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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MALIBU MEDIA, LLC, Plaintiff, v. KAPOT BISWAS, Defendant.	Case No. 2:15-cv-03937-KM-JBC

PLAINTIFF'S MOTION FOR EXTENSION OF TIME WITHIN WHICH IT HAS TO NOTIFY THE COURT OF UNRESOLVED DISCOVERY DISPUTES

Plaintiff, Malibu Media, LLC ("Plaintiff"), moves for entry of an order extending the time within which to notify the Court of unresolved discovery disputes, and states:

1. Fed. R. Civ. P. 16(b)(4) states that "[a] schedule may be modified for good cause and with the judge's consent." *Id*. "The existence of 'good cause' turns on … (1) whether the moving party's lack of diligence or the opposing party's conduct contributed to the delay; (2) potential prejudice caused by the

discovery extension; and (3) any other factors the trial court, in its discretion, determines to be relevant." *Trask v. Olin Corp.*, 298 F.R.D. 244, 267 (W.D. Pa. 2014). Further, "the court may modify the schedule on a showing of good cause if it cannot reasonably be met despite the diligence of the party seeking the extension." Fed. R. Civ. P. 16(b), advisory Committee Notes (1983 Amendment).

2. Pursuant to this Court's Pretrial Scheduling Order [CM/ECF 23], the deadline for the parties to notify the Court of any unresolved discovery disputes is today, April 18, 2016.

3. On November 17, 2015, this Court scheduled the Rule 16 Conference for January 12, 2016. Due to undersigned's scheduling conflicts, the Court rescheduled the Conference to February 1, 2016 [CM/ECF 19].

4. On December 22, 2015, the parties finalized a joint discovery plan. Subsequently, on December 30, 2015, Plaintiff served Defendant with its First Set of Interrogatories and Requests for Production (collectively referred to as "Plaintiff's Discovery"). However, in light of the rescheduling of the Rule 16 Conference, Defendant requested (and received) additional time to respond to Plaintiff's Discovery.

5. Defendant responded to Plaintiff's Discovery on March 31, 2016.

6. On April 18, 2016, Plaintiff sent Defendant a detailed letter addressing numerous deficiencies in Defendant's Responses to Plaintiff's

Discovery. The parties are currently attempting to resolve the ongoing discovery disputes prior to seeking Court intervention. Accordingly, Plaintiff respectfully requests that the time within which it has to notify the Court of unresolved discovery disputes be extended by twenty one (21) days from the date the Court issues an order on the instant motion.

7. This request is made in good faith and not made for the purpose of undue delay.

8. This extension will not prejudice any party.

9. Pursuant to L.Civ.R. 7.1(d)(4), Plaintiff believes the instant motion adequately addresses the relevant issues and law and therefore a brief is unnecessary.

10. On April 18, 2016, undersigned conferred with defense counsel regarding the issues raised in this motion and defense counsel consented to the relief sought herein.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to notify the Court of unresolved discovery disputes be extended by twenty one (21) days from the date the Court issues an order on the instant motion.

Dated: April 18, 2016

Respectfully submitted,

By: */s/ Patrick J. Cerillo*

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: */s/ Patrick J. Cerillo*